AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in this application.

Listing of Claims:

Claims 1-12 (Canceled).

Claim 13 (Currently Amended): An encoding rate controller according to Claim 15 [[12]], wherein the first signal portion temporally precedes the second signal portion.

Claim 14 (Currently Amended): An encoding rate controller according to Claim 15 [[12]], wherein the first signal portion is a predetermined number of groups of pictures.

Claim 15 (Currently Amended): An encoding rate controller for controlling the encoding rate of an encoder ~~according to Claim 12~~, the encoding rate controller comprising a control circuit configured to perform a first encoding rate control process for a first portion of a signal supplied to the encoder and a second, different encoding rate control process for a second, different portion of the signal,

wherein the first encoding rate control process calculates an average encoding rate based on encoding rates at a plurality of times, determines whether the calculated average encoding rate is greater than an upper value or less than a lower value and controls the encoding rate based on the determination, and the second encoding rate control process calculates an average encoding rate based on encoding rates at a plurality of times, determines into which of two or more rate ranges the calculated average rate falls and controls the encoding rate based on the determination.

Claim 16 (Original): An encoding rate controller according to Claim 15, wherein the second encoding rate control process determines a rate of change of the encoding rate and further controls the encoding rate based on the determination.

Claim 17 (Canceled).

Claim 18 (Currently Amended): A data encoding apparatus ~~according to Claim 17,~~ comprising:

a data quantizing device;

an encoder for encoding data quantized by the data quantizing device; and

an encoding rate controller for controlling the quantization scale of the data quantizing device, wherein the encoding rate controller comprises a control circuit configured to perform a first encoding rate control process for a first portion of a signal supplied to the encoder and a second, different encoding rate control process for a second, different portion of the signal,

wherein the first encoding rate control process calculates an average encoding rate based on encoding rates at a plurality of times, determines whether the calculated average encoding rate is greater than an upper value or less than a lower value and controls the encoding rate based on the determination, and the second encoding rate control process calculates an average encoding rate based on encoding rates at a plurality of times, determines into which of two or more rate ranges the calculated average rate falls and controls the encoding rate based on the determination.

Claim 19 (Currently Amended): A data encoding apparatus according to Claim 18 [[17]], for encoding video data.

Claims 20-29 (Canceled).

Claim 30 (Currently Amended): A method according to Claim 32 [[29]], wherein the first signal portion temporally precedes the second signal portion.

Claim 31 (Currently Amended): A method according to Claim 32 [[29]], wherein the first signal portion is a predetermined number of groups of pictures.

Claim 32 (Currently Amended): A method for controlling the encoding rate of an encoder ~~according to Claim 29~~, comprising:

performing a first encoding rate control process for a first portion of a signal supplied to the encoder; and

performing a second, different encoding rate control process for a second, different portion of the signal, wherein

the first encoding rate control process calculates an average encoding rate based on encoding rates at a plurality of times, determines whether the calculated average encoding rate is greater than an upper value or less than a lower value and controls the encoding rate based on the determination, and

the second encoding rate control process calculates an average encoding rate based on encoding rates at a plurality of times, determines into which of two or more rate ranges the calculated average rate falls and controls the encoding rate based on the determination.

Claim 33 (Original): A method according to Claim 32, wherein the second encoding rate control process determines a rate of change of the encoding rate and further controls the encoding rate based on the determination.